**HIGH COURT OF JUDICATURE CHHATTISGARH :: BILASPUR**

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**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.**

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**WRIT PETITION No. 5868 OF 2005**

**PETITIONER** : Suresh Dagla, S/o. Shri S.L.Dagla, Aged about 33 years, R/o. Lailunga, Distt. Raigarh (Chhattisgarh)

Versus

**RESPONDENTS**

1. Union of India, Through Secretary, Ministry of Petroleum, Shastri Bhawan, New Delhi.
2. Bharat Petroleum Corporation Limited, Through its Territory Manager (Retail), POL, Depot, Bhilai Nagar, G.E.Road, Bhilai-3, Distt. Durg (C.G.)
3. Hindustan Petroleum Corporation Limited,Through its Regional Manager, Regional Office, Second Floor, Madina Manzil, Medical College Road, Raipur (C.G.)

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Present : Mr. V.R.Tiwari, learned counsel for the petitioner.
Mr. Gautam Bhaduri, learned Standing Counsel for respondent 1& 2.
Mr. Bhisma Kinger learned Standing counsel for respondent No.3.

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**ORAL ORDER**

**(Passed on 9th December 2005)**

The petitioner is owning a retail outlet in Lailunga having obtained dealership since 1995-96. In this writ petition he is questioning the validity of advertisement issued by the respondent No.2 and 3 calling for applications for appointment of dealers for retail outlet at Lailunga. It is contended that in terms of the policy owned by

the Bharat Petroleum Corporation Limited as reflected in its document , marked as Annexure P-1 dated 28.04.2005, the location of the new outlet should not be allowed to be opened within 10 kms. of the existing outlet and according to the petitioner, the proposed location falls within 10 kms. from the outlet owned by him. So alleging, the petitioner has sought intervention of the Court.

(2). At the time of hearing, it was brought to the notice of the Court that respondent 2 & 3 have not yet allotted the dealership and in that view of the matter, learned counsel for the petitioner, on instructions, submitted that his client would make appropriate representation to respondents 2 & 3 with regard to his complaint and respondents 2 & 3 be directed to consider the same before granting dealership to any person as proposed in the impugned notification. In that view of the matter, I dispose of the writ petition directing respondents 2 and 3 to consider the representation of the petitioner, if the same is filed before them within ten days from today, before granting dealership of the outlets proposed in the impugned notification. There shall be no order as to costs.

Sd/-
Chief Justice

Sabby